

REMARKS

Claims 1-52 are pending in this application. With this response, Claims 1, 7, 11, 34, and 48-49 have been amended, as further explained below. It is respectfully submitted that all amendments are supported by the specification and claims as filed, and no new matter has been added.

Objections**Claim 1**

Claim 1 has been amended to address the objections set forth in the August 29, 2008 Office Action. Namely, Claim 1 has been amended to read “L’ represents O, S, NR₆ or L- (NR₆-L)_p” to make clear that the term “L- (NR₆-L)_p” is one of the options for L’. (Emphasis added). Additionally, as suggested in the Office Action, Claim 1 had been amended to read “as in R₇ below” instead of “as is R₇ below.” (Emphasis added). Finally, Claim 1 has been amended to change the word “on” to the word “one” in the phrase “with one or more substituents.” (Emphasis added).

Claim 34

As suggested in the Office Action, Claim 34 has been amended to replace the terms “may be” and “may” with the word “is.”

It is respectfully submitted that these amendments, which address typographical or non-substantive changes, are supported by the specification and claims as filed, and no new matter has been added.

Rejection Under 35 U.S.C. § 112 ¶1

Claims 1-21, 23-47 and 51-52 stand rejected pursuant to 35 U.S.C. § 112 ¶1. Applicant respectfully maintains that the specification enables one of skill in the art to practice the full breadth of the invention as claimed. However, Claim 1 has been amended so that the definition of “L” now reads “...or a polymer with pendant acid groups.” (Emphasis added). Support for this amendment can be found in the specification as originally filed (*i.e.*, corresponding PCT publication WO 2004/085560) at page 7, lines 9 to 16. Applicant respectfully submits that the

claims are fully enabled, and it would not be beyond routine experimentation to determine which polymers will work in the invention, and which ones will not.

Rejections Under 35 U.S.C. § 112 ¶2

Claims 1-9, 11-46, and 48-52 stand rejected pursuant to 35 U.S.C. § 112 ¶2 as indefinite.

The following claim amendments address the rejections.

Claim 1 (definition of the term "Z")

Claim 1 has been amended in response to Examiner's observation that the term "Z" is undefined in Claim 1. Support for this amendment can be found in the specification as filed, at page 10, lines 22-27.

Claims 1, 7 and 11 (Markush format)

In response to Examiner's observation that Claims 1, 7 and 11 cite improper Markush limitations, using the term "comprising" instead of "consisting," Claims 1, 7, and 11 have been amended to use the phrase "consisting of."

Claim 1 (R₁, R₂, R₄ and R₅ for formula (III))

Claim 1 has been amended to insert the term "except" in connection with how R₁, R₂, R₄ and R₅ for formula (III) are defined. As amended, one skilled in the art would understand that R₁, R₂, R₄ and R₅ can be any of the groups defined at the beginning of Claim 1, except that when any of R₁, R₂, R₄ and R₅ in formula (I) is "-O-Z(O)L," the respective R₁, R₂, R₄ and/or R₅ in formula (III) is "-O-Z(O)-R₈." Support for this amendment is found in the specification as originally filed, at page 8, lines 17-18 (and in Claim 1 of WO 2004/085560).

Accordingly, it is respectfully submitted that Claims 1-9, 11-46, and 48-52 are not indefinite.

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Additional Amendments

In addition to the above-noted responses, the following additional amendments have been made.

Claims 48-49

Claims 48-49 have been amended to correct a typographical error. The phrase "between between" has been corrected to remove the duplicate recitation of the term "between."

Claim 34

Claim 34 has been additionally amended to conform to Markush format by replacing the term "comprising" with "consisting of."

CONCLUSION

Applicant respectfully submits that the application is now in proper form for examination and favorable consideration. The Examiner is invited to contact the undersigned attorney for Applicant to discuss any outstanding issues.

Respectfully submitted,



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